

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHN THOMAS

PLAINTIFF

CIVIL ACTION NO.: 3:20-cv-209-HTW-LRA

CITY OF CANTON, MISSISSIPPI

DEFENDANT

**COMPLAINT
JURY TRIAL DEMANDED**

COMES NOW the Plaintiff, John Thomas, by and through his counsel, Watson & Norris, PLLC, and files this action to recover damages for a violation of his rights under the Age Discrimination in Employment Act of 1967, as amended, (ADEA), and the Lilly Ledbetter Fair Pay Act of 2009 (LLFPA), against the Defendant, City of Canton, Mississippi. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

PARTIES

1. Plaintiff, John Thomas, is an adult male citizen of Hinds County, Mississippi who is over the age of forty (40) and thus is a covered "employee" as defined by the ADEA.

2. Defendant, City of Canton, Mississippi is a municipality in the State of Mississippi and may be served with process through John W. Carroll, Sr., City Clerk, at 226 East Peace Street, Canton, Mississippi 39046. Defendant is a covered "employer" as defined by the ADEA.

JURISDICTION AND VENUE

3. This court has federal question and civil rights jurisdiction for a cause of action arising under the ADEA.

4. This Court has personal and subject matter jurisdiction over the Defendant

and venue is proper in this Court.

5. Plaintiff timely filed his Charge of Discrimination with the EEOC on June 27, 2019, a true and correct copy of which is attached as Exhibit "A." After an investigation, the EEOC issued a Determination finding that Defendant violated the ADEA. A copy of the EEOC's Determination is attached as Exhibit "B." Subsequently the EEOC issued a Notice of Right to Sue on March 18, 2020, a true and correct copy of which is attached as Exhibit "C." Plaintiff timely files this cause of action within ninety (90) days of receipt of his Notice of Right to Sue.

STATEMENT OF THE FACTS

CAUSES OF ACTION

6. Plaintiff is a 78-year old male citizen of Hinds County, Mississippi.

7. Plaintiff was hired by Defendant on June 11, 2011 as a Building Inspector/Code Enforcement.

8. In November of 2017, the Defendant reduced Plaintiff's employment status from full-time to part-time.

9. Plaintiff requested the Defendant restore his employment to full-time; however, Plaintiff's request was denied.

10. The Defendant told Plaintiff that his change in employment status was due to "budget cuts."

11. Plaintiff performed his duties and functions during his employment with the Defendant with no record of discrepancies.

12. As a part-time employee, Plaintiff's salary was reduced from \$30,000.00 annually, to \$14,995.00.

13. Plaintiff was the only employee affected by the Defendant's supposed

“budget cut.”

14. However, during Plaintiff’s employment with the Defendant, two younger co-workers of Plaintiff, ages over 20 years younger than Plaintiff, were hired for the same position in full-time employment status earning \$35,000.00. One was hired on July 1, 2019, and the other on November 14, 2019, although, Plaintiff had requested to return him to full-time employment status.

15. On November 15, 2019, Plaintiff retired after 8 years and 5 months of employment with the Defendant.

16. During Plaintiff’s last years of employment, Defendant unlawfully reduced Plaintiff to part-time employment status because of his age, 78, in violation of the Age Discrimination in Employment Act of 1967, as amended, and the Lilly Ledbetter Fair Pay Act of 2009.

COUNT I: VIOLATION OF THE ADEA & LLFPA – AGE DISCRIMINATION

17. Plaintiff alleges and incorporates all averments set forth in paragraphs 1 through 16 above as if fully incorporated herein.

18. Defendant’s actions constitute intentional discrimination on the basis of age in violation of the ADEA and the LLFPA. Specifically, Plaintiff is over the age of 40 and was more than qualified for his position with the Defendant. Similarly situated younger individuals were employed “full-time” while Defendant relegated Plaintiff to “part-time” status because of his age.

19. The unlawful actions by the Defendant complained of above were intentional, malicious, and taken in reckless disregard of the statutory right of Plaintiff.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully prays that

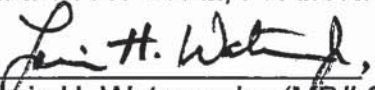
upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

1. Reinstatement and promotion or front pay in lieu of reinstatement;
2. Back pay;
3. Lost benefits;
4. Liquidated damages;
5. Pre-judgment and post-judgment interest;
6. A tax gross-up and all make whole relief;
7. Attorney's fees;
8. Costs and expenses; and
9. Any other relief to which he may be properly entitled under the ADEA.

THIS the 26th day of March 2020.

Respectfully submitted,

KIMBERLY BELL, PLAINTIFF

By: 
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Nick Norris (MB# 101574)
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